

EXHIBIT L

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

| | | |
|---------------------------------|---|-------------------------|
| BEATRICE KELLY, and |) | |
| RALPH KELLY, |) | Case No. 2:18-cv-10982 |
| |) | |
| Plaintiffs, |) | Judge Gershwin A. Drain |
| |) | |
| vs. |) | Magistrate R. Stevens |
| |) | Whalen |
| METROPOLITAN GROUP PROPERTY |) | |
| AND CASUALTY INSURANCE COMPANY, |) | |
| |) | |
| Defendant. |) | |

- - -

DEPOSITION OF MELAUNDRA GIBSON

DATE: Monday, November 5, 2018, at 10:00 a.m.

PLACE: Collins Reporting Service
615 Adams Street
Toledo, Ohio

REPORTER: Lillian J. Altpeter, CSR
Notary Public

- - -

1 **A** Briefly, when I first moved to Toledo, I
2 lived at 1910 Cone Street, and I probably moved there
3 maybe October 2017. After the fire, which happened, I
4 believe it was November -- no. Or was it December?

5 **Q** December 3, 2016.

6 **A** Yeah, it was early December. December 2016.
7 Up until Cone Street I lived at 100 -- I know it's
8 Braile, 100 . . . I'm going to say 18. It may not be
9 exact, but it was Braile Street in Detroit.

10 **Q** What's the zip?

11 **A** 48228, I believe.

12 **Q** And Braile is?

13 **A** No. It was 10014.

14 **Q** And Braile is B-R-A-I-L-L-E?

15 **A** One L.

16 **Q** And Cone, is that C-O-H-N?

17 **A** C-O-N-E.

18 **Q** Who did you live with at the Cone address?

19 **A** James.

20 **Q** Who did you live with at the Braile address?

21 **A** That was my sister, Nicole Floyd.

22 **Q** Let's talk about the time leading up to the
23 fire. You were living at the subject address, which I
24 understand to be 16085 Springer in Eastpointe, 48021?

1 **A Yes.**

2 Q Who were you living there with at the time
3 of the fire?

4 **A Me and my daughter, CaSandra Floyd.**

5 Q Can you spell that for us, please.

6 **A C-A capital S-A-N-D-R-A.**

7 Q And how long had you lived at the Springer
8 address up until the time of the fire?

9 **A About two years. Maybe two and a half.**

10 Q Where did you live at before Springer?

11 **A I lived in Southgate.**

12 Q Do you recall the address there?

13 **A I believe it was 13350 Courtside Way,
14 Apartment 108. And I'm not sure what the zip was.**

15 Q Is Courtside one word?

16 **A Yes, it was one word.**

17 Q How long did you live there?

18 **A I lived there about three or four years.**

19 Q With whom?

20 **A My daughter.**

21 Q Do you have any other children other than
22 CaSandra?

23 **A No.**

24 Q So when you refer to your daughter --

1 mortgage?

2 A \$700 was the only thing I was giving her,
3 and I just gave it to her directly, and she paid the
4 mortgage company.

5 Q Do you know what her monthly mortgage
6 payments were?

7 A No, I don't. That's what she told me it
8 was, so that's . . .

9 Q Did you ever put any utilities in your name
10 at the Springer address?

11 A Yes.

12 Q Which ones?

13 A All of them were in my name -- well, the
14 lights and the gas was in my name. I think the water was
15 still in her name.

16 Q And for what time period were they in your
17 name?

18 A I want to say the entire time I was there.
19 I think I moved in maybe April, May 2016, until the fire.
20 I mean, no, no. '14 is when I moved in. 2014 until the
21 fire.

22 Q Do you know where Ms. Kelly moved to in
23 Ohio?

24 A Angel Falls was the street. I don't know

1 the exact -- I almost want to say 7059, but I'm not sure.

2 Q Did you ever visit that home?

3 A Yes.

4 Q Can you describe it for us, please.

5 A Hmm. It was maybe -- it was a three-story
6 if you include the basement. I know her bedroom was on
7 the first floor, the kids' bedroom was upstairs. When
8 you walk in, I think the dining room and kitchen was --
9 well, if you came through the door that way, to the left
10 (indicating) then there was a den area. I remember you
11 walk through the dining room, the kitchen, then there's a
12 den area. You know, high ceilings. Is that enough
13 detail?

14 Q Sure. She's married; correct?

15 A Yes.

16 Q To whom?

17 A Ralph Kelly.

18 Q And how many children does she have?

19 A Two.

20 Q Do you know their names and ages?

21 A Ooh. Owen Alexander Kelly, I believe, and
22 he is -- hmm, seven? Eight? I'm not really sure about
23 their ages. And then Ian. I forgot Ian's middle name.
24 And Ian is about five, maybe.

1 Q Understood. Did you move items into the
2 Springer home?

3 A Yes.

4 Q What did you move in?

5 A Oh, you know what? The stove and
6 refrigerator was hers. The stove, the refrigerator,
7 couch, TV -- okay. So I moved in living room furniture,
8 dining room furniture, a couple bookshelves, two
9 bedroom -- the bedroom furniture in both the bedrooms,
10 the living room, the dining room. Then there was, like,
11 a desk and computer, and then the washer and dryer in the
12 basement. And, of course, clothes and stuff.

13 Q Personal items were yours?

14 A Yes.

15 Q Food was yours?

16 A Yes.

17 Q Maybe we'll jump to that right now. We've
18 exchanged some photographs in this lawsuit, and I think
19 you just confirmed what I thought, but we'll go through
20 them real quickly while we talk about it.

21 MS. RHOADS: So, Counsel, I'm
22 starting at Bates Met 00440.

23 MR. MILANOWSKI: You're starting at
24 440, you said?

1 MS. RHOADS: Yes.

2 BY MS. RHOADS:

3 Q I just want to confirm what Ms. Kelly told
4 me. For example, on 440 there's a photograph entitled
5 "13 basement exercise room."

6 Contents depicted in that photograph would
7 be all of yours; correct?

8 A Yes.

9 Q Then I'm jumping to 443. I think that's the
10 same photo, but just to confirm, on the bottom it says,
11 "exercise room." Those contents, including what looks to
12 be an elliptical and personal items, would have been
13 yours?

14 A Yes.

15 MR. MILANOWSKI: What number was
16 that?

17 MS. RHOADS: 443.

18 BY MS. RHOADS:

19 Q Then 444 looks like a "laundry room and shoe
20 room" titled, and those items would be yours?

21 A Yes.

22 Q I'll jump to 446. Looks like two pictures
23 of the shoe room, and all of those shoes would be yours?

24 A Yes.

1 Q Same for 447?

2 A Yes.

3 Q Same for photos in 448?

4 A Yes.

5 Q Same for photos on 449?

6 A Yes.

7 Q And 449 it looks like there are now clothing
8 and a makeshift closet as well?

9 A Yes.

10 Q And those clothes would be yours?

11 A Yes.

12 Q 450 looks like both the shoe room as well as
13 the laundry room, and you referenced a washer and dryer
14 so that would be yours?

15 A Yes.

16 Q And the soap and laundry products would be
17 yours?

18 A Yes.

19 Q 456 looks to be pictures of the laundry room
20 as well as furnace room, and those clothing items or
21 personal items would be yours?

22 A Yes.

23 Q Now we're going to jump upstairs, 459.

24 Bottom photograph looks to be, I would guess, a living

1 Q Yes?

2 A I'm sorry. Yes.

3 Q You're fine. Everybody does it.

4 Items that would be depicted on that,
5 whether the items are on the desk or the chairs or
6 benches, those would be yours?

7 A Yes.

8 Q Now we're jumping to 462, which starts what
9 I'm going to call the "blue bedroom." Whose is the blue
10 bedroom?

11 A CaSandra's.

12 Q There's a dresser and TV in that room.

13 Whose was that?

14 A The dresser was mine and the TV was
15 CaSandra's.

16 Q Would you like to take a break?

17 A Yes. For a second.

18 (Pause in proceedings.)

19 BY MS. RHOADS:

20 Q We're back on the record, Ms. Gibson. So
21 I'm going to move to the photos on 463. That's that same
22 blue bedroom, which would be CaSandra's; correct?

23 A Yes.

24 Q The clothing items depicted in there, would

1 those be CaSandra's?

2 **A** Some of them are mine and some are hers.
3 CaSandra didn't live with me consistently, because she
4 had a boyfriend. And, you know, because I didn't like
5 him, he wasn't allowed in my house at all.

6 **Q** All right. 464 I've called the "yellow
7 bedroom."

8 **A** That's my bedroom.

9 **Q** And that obviously depicts beds, linens,
10 clothing, as well as a dresser and TV. Are those your
11 items?

12 **A** Yes.

13 **Q** Do you know where the TV was that Ms. Kelly
14 left in 2014?

15 **A** The bedroom that CaSandra slept in.

16 **Q** So back on Page 462, that TV depicted was
17 Ms. Kelly's?

18 **A** Yes.

19 **Q** 466, we're back to the blue bedroom. Any
20 personal items not affixed to the walls would be yours or
21 CaSandra's?

22 **A** Yes.

23 **Q** Including the bedroom linens, things like
24 that?

1 **A Yes.**

2 Q I should say bedroom furniture, linens,
3 things like that.

4 Jumping to 470, it looks to be a view of the
5 single bathroom. There are a number of hygiene products.
6 Those would be yours?

7 **A Yes.**

8 Q How about towels and things like that? Were
9 they all yours?

10 **A Yes.**

11 Q Jumping to 476, looks to be that front room
12 again. The top photo shows a gray couch. Was that the
13 one Ms. Kelly left?

14 **A Yes.**

15 Q Then jumping to 481, it looks like the
16 kitchen was painted orange. Other than the stove and the
17 refrigerator, were any contents of the kitchen at the
18 time of this fire Ms. Kelly's?

19 **A No.**

20 Q So everything, whether it be pots, pans,
21 spoons, plates, glasses, food, they were all yours?

22 **A Yes.**

23 Q And I feel like I asked a bad question there
24 so I want to make sure I'm clear.

1 Inside the kitchen the only thing that was
2 Ms. Kelly's was the stove and refrigerator?

3 **A Yes.**

4 Q The contents of those, cleaning items,
5 cooking items, eating items, or food were yours?

6 **A Yes.**

7 Q And 484 looks like maybe that desk and shelf
8 that you were referring to.

9 **A Yes.**

10 Q And those would be yours?

11 **A Yes.**

12 Q Including the chair?

13 **A Yes.**

14 Q And then 486 shows what looks like a dining
15 room table set? On the bottom.

16 **A Oh, on the bottom, yes.**

17 Q And that would be yours?

18 **A Yes.**

19 Q And in the top photograph, it looks like one
20 of those chairs and a mantel and another chair and table.

21 **A Yes.**

22 Q Those would be yours?

23 **A Yes.**

24 Q You mentioned while we were off the record

1 Q Do you recall when Ms. Kelly was last in the
2 Springer home before December 3rd, 2016?

3 A No, I don't recall. Because sometimes she
4 would, when she would come to Michigan -- and she would
5 come because her family was still there and then she
6 would come for work. And she's really big on family, so
7 holidays. When she would come for work without her
8 family, she would stay at the house. But I can't really
9 say when's the last time because sometimes I wouldn't be
10 there because I had met Mr. Gibson. I was spending a lot
11 of time in Ohio, so -- and then because I work midnights.
12 So she would come and sleep in my bedroom. Or her
13 bedroom. It's her bedroom. She lived there also.

14 But I don't remember the last -- maybe the
15 summer, one of the summer months leading up to the fire.
16 But she would come sometimes one night. She would never
17 stay any longer than one or two nights, so I really
18 didn't keep track. Sometimes I'd see her, sometimes I
19 wouldn't. We talked frequently, so things kind of ran
20 together.

21 Q Were there times where you would see her,
22 but it wouldn't be at the house?

23 A Yes.

24 Q Where would you see her outside of the

1 **A No.**

2 **Q Do you know when you last paid her the \$700**
3 **before this loss?**

4 **A Probably November. It could have been**
5 **December, because I usually paid around the first.**

6 **Q What did you do? Cash? Check?**

7 **A No. Check, because I mailed it to her home.**

8 **Q The home on Angel Falls?**

9 **A Yes.**

10 **Q Do you know who Donald Tabron, T-A-B-R-O-N,**
11 **is?**

12 **A Donald? Would that be one of the gentlemen**
13 **that did the repairs? I don't know a last name.**

14 **Q My understanding is he was her public**
15 **adjustor.**

16 **A Okay.**

17 **Q He would have dealt with Metlife.**

18 **A I just know his name. And I probably saw**
19 **him once or twice because I had to let him in the house**
20 **before she gave him the key. But no . . .**

21 **Q Has Ms. Kelly given you any money associated**
22 **with this loss?**

23 **A No.**

24 **Q Have you given her any money associated with**

1 same page.

2 (Exhibit A was marked.)

3 BY MS. RHOADS:

4 Q Ms. Gibson, I've marked as Exhibit A of your
5 deposition, what I believe is the residential lease we
6 were talking about earlier. For the record, it's Bates
7 stamped Met 00599 through Met 00603. I'm placing that in
8 front of you. Take a look at it for us, please, and tell
9 us if that is what you believe to be the lease you told
10 me about, and tell me if on the last page, if that is
11 your signature.

12 A Yes.

13 Q Okay. So according to this, it looks like
14 it was signed on April 18th, and your move-in was
15 April 25th, 2014?

16 A Yes.

17 Q According to Paragraph 6, you were to put
18 the utilities in your name, which you did?

19 A Mm-hmm.

20 Q Yes?

21 A Yes.

22 Q During the timeframe from, say, that date of
23 April 25, 2014, to December 3, 2016, did anyone else
24 reside there other than yourself and CaSandra?

1 **A No.**

2 Q You didn't have any subtenants or anybody
3 else coming and going, did you?

4 **A No.**

5 Q Did you ever speak to Eastpointe Fire
6 Department personnel?

7 **A No.**

8 Q Do you know if Ralph Kelly has any ownership
9 property in the Springer address?

10 **A No. Beatrice bought that home before she**
11 **met Ralph, I believe.**

12 Q Do you know if he had any ownership in the
13 refrigerator, stove, couch, TV, or the items in the
14 garage?

15 **A I want to -- no, I don't know.**

16 Q Were you current on the utilities at the
17 time of the fire?

18 **A Yes. I believe so, yes. Now, the only**
19 **thing, sometimes the water bill, because it was in her**
20 **name, and I really didn't know how it went. If you had a**
21 **balance right before the taxes were due, it would roll**
22 **over or something into her taxes.**

23 **So that happened once, but other than that,**
24 **I paid it.**

1 that was with that couch?

2 **A** **It was like one piece. So it looked like**
3 **a --**

4 **Q** Oh, I see. It was an L-shaped thing?

5 **A** **Yes.**

6 MS. RHOADS: A chaise?

7 THE WITNESS: Yes. It was attached,
8 though. It wasn't separate.

9 BY MR. MILANOWSKI:

10 **Q** You talked a little bit about, I think you
11 said, mail related to insurance.

12 Was there other mail that came addressed to
13 Beatrice while you were there?

14 **A** **Yes.**

15 **Q** Just general sort of mail?

16 **A** **Yes.**

17 **Q** I'm assuming utility bills came there.

18 **A** **The utilities were in my name.**

19 **Q** Anything else in terms of mail that she got
20 in general that you remember, types of mail?

21 **A** **Not that I remember.**

22 **Q** But it wasn't unusual --

23 **A** **I mean, because I would just put it all**
24 **together and send it to her. I didn't really look to see**